

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

Case No.: 2:14-cr-00127

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD N. LEVINE,

Defendant.

ORDER

**FINDINGS OF FACT**

Based on the pending motion pending motion of Mr. Levine, and good cause appearing therefore, the Court finds that:

1. Mr. Levine has been diagnosed with a severe right flank ligamentous injury (See Exhibit 1). For the past four months he has been receiving medical treatment from Dr. Quattrocchi, a neurosurgeon at UC San Francisco, as well as physical therapy from a sports medicine specialist. This treatment includes receiving multiple steroid injections into the affected ligament.
2. It has only been recently that Mr. Levine's condition has gotten worse. It has gotten to the point that has required his doctor to send his medical analysis.
3. This trial is anticipated to span the course of four to five days. According to Dr. Quattrocchi, Mr. Levine is unable to sit, or even stand, for more than a few minutes at a time without experiencing severe pain. With trial lasting multiple hours a day for multiple

1 days, Mr. Levine would be unable effectively assist in the trial proceedings while enduring  
2 such pain.

3 4. Mr. Levine is not in custody and has no objection to this motion.

4 5. The additional time requested herein is not sought for purposes of delay, but to allow Mr.  
5 Levine to fully receive his medical treatment and be able to be present throughout the trial  
6 without being in pain. At this time and based on his medical condition, he is unable to sit  
7 through a full trial in a court room. As such, the additional time requested by this motion  
8 is excusable in computing the time within which the trial must commence pursuant to the  
9 Speedy Trial Act, Title 18, United States Code, Section 3161(h)(3)(A).

10 6. Denial of this request for continuance will result in a miscarriage of justice. The additional  
11 time requested by this motion is excusable in computing the time within which the trial  
12 herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code,  
13 Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
14 3161(h)(7)(B)(i).

15 7. There have previously been seven stipulated continuances of the trial date.

16 **CONCLUSIONS OF LAW**

17 The ends of justice served by granting said continuance outweigh the best interest of the public  
18 and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result  
19 in a miscarriage of justice, would deny the parties sufficient time and the opportunity within in which  
20 to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due  
21 diligence.  
22  
23  
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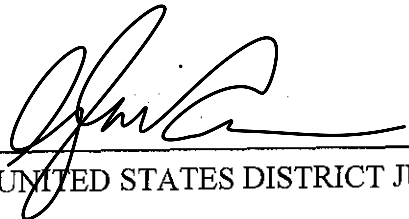
1 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States  
2 Code, Section 3161(h)(3)(A) and (h)(7)(A), when considering the factors under Title 18, United  
3 States Code, Section 3161 (h)(7)(B)(i).

4 **ORDER**

5 IT IS THEREFORE ORDERED that the trial currently scheduled for June 20, 2016, at 8:30 a.m.,  
6 be vacated and continued to 10/31/2016 at the hour of 8:30 a.m.; it is further  
7 ordered that the parties attend a calendar call on 10/24/2016, at the hour of 9:00 a.m.

8 Dated this 9th day of June, 2016.

9 IT IS FURTHER ORDERED that the parties  
10 shall file all proposed voir dire, trial briefs,  
11 exhibit and witness lists, and proposed jury  
12 instructions no later than Thursday,  
13 October 20, 2016.

  
UNITED STATES DISTRICT JUDGE